

Amendments to the Drawings:

The attached sheet of drawings include changes as listed below. The attached are proposed amendments suggested for approval by the Examiner. The changes are as follows: In FIGS. 2 and 3, attached as indicated by the bracket, a schematic representation of a remote device 200 with a transceiver 210 and an antenna 211 have been added. This addition has been indicated by bracket and notation in the enclosed proposed amendment to the drawing figures as facsimile transfer will not reproduce red high-lighting.

REMARKS

The office action April 6, 2005, has been reviewed and its contents carefully noted. Reconsideration of this case, as amended, is requested. Claims 1 through 29 remain in this case, with claims 1, 12, 13 and 21 being amended by this response.

Objections to the Specification / Claims / Drawing

The Examiner has raised certain objections to the specification and claims:

1. The Examiner states in paragraph 2, that:

The disclosure is objected to because of the following informalities: on page 8, a remote device 200 and a transceiver 210 are disclosed in the specification; however none of the drawings (1-13) have the remote device or the transceiver 210.

Appropriate correction is required.

Applicant has resolved this objection by preparing proposed amended drawing figures (FIGS. 2 and 3) showing a simple schematic representation of the remote device 200 with its transceiver and antenna 211. Reconsideration and withdrawal of the objections are, therefore, respectfully requested.

2. The Examiner states in paragraph 5, that:

Claims 1 and 13 are objected to because of the following informalities: Claim 1, line 20, the phrase "at least one of the main input node" is confusing because there is no mention of a plurality of main input nodes.

Claim 13 depends on claim 1, which is a system claim, however claim 13 is an apparatus claim. Appropriate correction is required.

Applicant has resolved the first objection noted by inserting a colon in claim 1 after "of" and has followed the same course in other claims (12 and 21) having this construction. Applicant has resolved the second objection by changing claim 13 to a system claim. Reconsideration and withdrawal of the objections are, therefore, respectfully requested.

Rejection(s) under 35 U.S.C. §103

All of the existing claims, including all of the independent claims are finally rejected under 35 U.S.C. 103(a) as being unpatentable over *Zendle et al.* in view of *Buckley '840* and/or *Taguchi et al.* and/or *Buckley '089* and/or *Lee et al.* Applicant respectfully disagrees with the grounds for rejection posited, and believes that all of the claims are patentable over the art cited, individually and in combination, for the reasons set forth below.

A. Zendle Does Not Anticipate the Basic Features of the Invention.

Applicant respectfully disagrees with the grounds for rejection posited over *Zendle*. As this is the primary reference, distinguishing this reference necessarily obviates further examination over the subsidiary references (which are all dependent on *Zendle* for their applicability to the case). Applicant's reasons for believing *Zendle* to be inapplicable are as follows:

1. Zendle Antenna is Not Part of Its In-House System

Applicant's first reason for believing *Zendle* to be inapplicable is that the instant application deals with an "in-house" system and it is clearly stated that all of its components are located in the same structure—this not true of the *Zendle* system.

The Examiner has stated:

Regarding claims 1, 12, 21, 23 and 24, Zendle discloses an in-house signal distribution system (see figures 3-5) including: a main input node (412) and taking a plurality of external signals (416) for use by different types of devices (430,432,434) converting all of the plurality of external signal into addressed data packets, and conveying all of the addressed data packets in a packet stream to each of a plurality of access node (306-1-306-4) each access node having a unique node address (column 6, lines 46-59; column 7, lines 21-37; column 8, line 61-column 9, line 17) . . . (Emphasis added).

However, this statement is incorrect. While some aspects of *Zendle* may be "in-house"—all of the elements of the *Zendle* invention are not parts of an in-house distribution system. (See, e.g.,

Fig. 4 of Zendle). For example, the Examiner labels the radio tower 412 of Zendle “a main input node”. This is completely contrary to the invention disclosed by Zendle. The radio tower is not “in-house”, it is clearly a separate structure intended to serve a large number of houses. (See, e.g., Figs. 3 and 4 of Zendle—each multi-service subscriber terminal 414 (also referred to as a terminal 306) is a separate structure/user). Zendle’s specification states that:

Each hub site 301 provides a plurality of remote residential customer terminals (subscribers) with a variety of telecommunication, data and multimedia services. (Emphasis added; Zendle Col. 6, lines 54-56).

Likewise, Zendle states that:

A bidirectional broadband wireless multi-service system 410 employing a computer-based multi-service radio system is shown in FIG. 4, which illustrates an exemplary link between a hub site 412 (comparable to site 301 in FIG. 3) and a multi-service subscriber terminal 414 (comparable to terminal 306 of FIG. 3) within a sector of the hub site. (Emphasis added; Zendle Col. 8, lines 35 et seq.).

In addition, these points are emphasized repeatedly throughout the reference.

Thus, it is clear that Zendle’s feature 412/306 is not part of any “in-house” distribution system it may disclose. It is, in fact, a separate broadcast facility or antenna. Moreover, it is clear that this broadcast facility or antenna 412/306 fails to meet the most basic terms of the claims. The claims require the “main input node” to be mounted in a structure—i.e., to be “in house”. (See, e.g., Application at claim 1, first subparagraph). And, as the remaining claim limitations make clear (and as is explained in further detail below), this structure is the same structure where the rest of the invention’s parts are located—this limitation does not read onto the distant and separate antenna system disclosed by Zendle. The “in-house” distinction is also emphasized by the fact that the system of the instant invention, including the main input node, is dealing with “external signals”—i.e., signals from outside the in-house system. In Zendle, what is being provided to the “in-house” portion of the system by element 412 is “external signals”.

2. Zendle's Antenna 412 and "Access Nodes" 414/306 are Not Part of the Same Structure so as to Form Part of the Same In-House System

The previously discussed critical limitation is further developed and clarified in the second subparagraph of claim 1, in language that you have not cited in your response. As to the second subparagraph the Examiner states:

each access node (fig. 4, elements 4 14) being an access port including a main module (figures 4 and 5, elements 420, 520) a main module connector connected to the packet stream (figures 4 and 5, elements 418, 518);

However, this comparison once again skips over the aforesaid crucial limitation in the claims. The claims of the instant application make it clear that the "access nodes" to which the main input node conveys addressed data packets are "mounted in a wall of the structure" (emphasis added) i.e., the SAME structure as the main input node. This is clearly contrary to what Zendle shows and is contrary to everything that Zendle seeks to teach. What the Examiner has labeled as a "main input node" and has described as an "access node" in Zendle are not part of the same structure. Thus, once again, Zendle does not anticipate the claims of the instant invention.

3. Zendle's Residential Recipients are Not In-House Access Nodes

In the Examiner's comparison of Zendle's features to the first subparagraph of claim 1, the Examiner also analogizes the separate recipients of Zendle's system to the access nodes of the instant invention. The recipients (structures 414 in FIG. 1 and 306-1-306-4 of FIG. 3) are not portions of an "in house" distribution system—they are separate recipients and separate structures. All of the access nodes of the instant invention are specified to be located in "the structure"-i.e., the same structure along with the main input node. This aspect of the invention is also not anticipated/shown by Zendle.

4. There may be other issues to be developed in comparing the reference cited with the invention. However, these stand out as being of enough immediate import to justify elimination of Zendle as a reference without seeking to further examine or distinguish this reference. The reference simply does not teach an "in-house" system, and it is easily distinguishable from the invention for that reason alone if no other. Based on this fact, the rejection of the claims over

Zendle is invalid. The reference involves completely divergent art, and does not (as alleged by Examiner), anticipate the features of the invention noted. Thus, the rejection of all of the instant claims over Zendle should be reconsidered and withdrawn.

B. The Other References Cited Do Not Anticipate and/or Render Obvious the Basic Features of the Invention.

Applicant respectfully traverses all of the remaining grounds for rejection posited under 103, but finds it unnecessary to discuss all grounds posited by the Examiner in detail as the prior discussion effectively refutes the foundation for all of the arguments set forth by the Examiner—i.e., the applicability of the Zendle reference. However, Applicant—having heretofore dealt with certain of the subsidiary references and/or arguments raised by the Examiner—hereby restates and incorporates herein by reference his previously made arguments against the use and application of Buckley '840 and '089 against the instant application and claims. In addition, Applicant has previously refuted "common knowledge" arguments (vis-à-vis the reference Abrahams) with respect to in-wall mounting. Thus, Applicant hereby restates and incorporates by reference his previously made arguments against the use and application of "common knowledge" in this context. The remaining references all necessarily depend on the validity and applicability of Zendle, Buckley '089, Buckley '840, and/or "common knowledge" for their applicability. Thus, applicant finds it unnecessary to discuss and/or refute them in further depth at this point in time.

Conference with Examiner

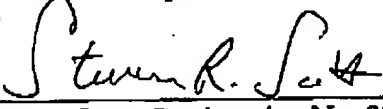
The undersigned and the Examiner discussed many of the points made in section A, above, during a telephone conference on June 30, 2005, and the Examiner voiced general acquiescence in the distinctions made over Zendle et al., subject to further review. The Examiner also opined that, in view of the aforesaid, the case might be in overall condition for allowance other than a need to file a terminal disclaimer over the parent case. The undersigned indicated a general willingness to do so, subject to receipt of a formal request therefore in the next office action and review thereof. Applicant gratefully acknowledges Examiner's preliminary indications that the claims may be allowable over the art cited.

Conclusion

Applicant believes the claims, as amended, are patentable over the prior art, and that this case is now in condition for allowance of all claims therein. Such action is thus respectfully requested. If the Examiner disagrees, or believes for any other reason that direct contact with Applicants' attorney would advance the prosecution of the case to finality, he is invited to telephone the undersigned at the number given below.

"Recognizing that Internet communications are not secured, I hereby authorize the PTO to communicate with me concerning any subject matter of this application by electronic mail. I understand that a copy of these communications will be made of record in the application file."

Respectfully Submitted:
William H. Thompson

By: 
Steven R. Scott, Registration No. 32,000
Attorney for Applicant

BROWN & MICHAELS, P.C.
400 M&T Bank Building - 118 N. Tioga St.
Ithaca, NY 14850
(607) 256-2000 • (607) 256-3628 (fax)
e-mail: docket@bpmlegal.com
Dated: July 6, 2005